

# EXHIBIT A

SUM-100

# SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)Electronically  
**FILED**

by Superior Court of California, County of San Mateo

ON

1/8/2020

By

/s/ Rjay Dominia  
Deputy Clerk

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Costco Wholesale Corporation and DOES 1-20

## YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Morhaf Barakat

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): San Mateo Superior Court, 400 County Center Road, Redwood City, CA 94063

CASE NUMBER: (Número del Caso):  
20-CIV-00130

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Conor Granahan, Granahan Law, P.C., 345 Franklin Street, San Francisco, CA 94102, (415) 830-3325

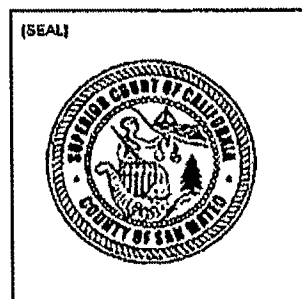
DATE: 1/8/2020  
(Fecha)

Neal I. Taniguchi Clerk, by /s/ Rjay Dominia  
(Secretario)

, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)



**NOTICE TO THE PERSON SERVED:** You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.80 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date)

Page 1 of 1

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE: Barakat v. Costco Wholesale Corporation, et al.	CASE NUMBER:
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4. ☐ Plaintiff (name):  
is doing business under the fictitious name (specify):  
  
and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): Costco Wholesale  
 (1) ☐ a business organization, form unknown  
 (2) ☒ a corporation  
 (3) ☐ an unincorporated entity (describe):  
  
 (4) ☐ a public entity (describe):  
 (5) ☐ other (specify):
- c. ☐ except defendant (name):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
  
 (4) ☐ a public entity (describe):  
 (5) ☐ other (specify):
- b. ☐ except defendant (name):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
  
 (4) ☐ a public entity (describe):  
 (5) ☐ other (specify):
- d. ☐ except defendant (name):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
  
 (4) ☐ a public entity (describe):  
 (5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1-20 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 1-20 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
- b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
- d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE:

Barakat v. Costco Wholesale Corporation, et al.

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☐ other damage (*specify*):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: 1/8/20

Conor Granahan

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

Barakat v. Costco Wholesale Corporation, et al.

CASE NUMBER:

FIRST

(number)

## CAUSE OF ACTION—Premises Liability

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Morhaf Barakat

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): 2/11/2019

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

On or about February 11, 2019, Plaintiff was a customer at Costco retailers in Redwood City, California. While there, Plaintiff slipped and fell on a liquid substance that Costco employees knew or should have known was present. Plaintiff sustained injuries that required significant recovery time and ultimately surgery. Plaintiff has yet to recover fully from these injuries, and may require future surgeries.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):  
Costco Wholesale Corporation

☒ Does 1 to 20

Prem.L-3. ☐ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

☐ Does \_\_\_\_\_ to \_\_\_\_\_Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does \_\_\_\_\_ to \_\_\_\_\_

a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

Costco Wholesale Corporation

☒ Does 1 to 20

b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are ☐ described in attachment Prem.L-5.b ☐ as follows (names):

SHORT TITLE:

Barakat v. Costco Wholesale Corporation, et al.

CASE NUMBER:

SECOND

(number)

**CAUSE OF ACTION—General Negligence**Page 5ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Morhaf Barakat

alleges that defendant (name): Costco Wholesale Corporation

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): February 11, 2019

at (place): 2300 Middlefield Road, CA 94063

(description of reasons for liability):

On or about February 11, 2019, Plaintiff was a customer at Costco retailers in Redwood City, California. While there, Plaintiff slipped and fell on a liquid substance that Costco employees knew or should have known was present. Plaintiff sustained injuries that required significant recovery time and ultimately surgery. Plaintiff has yet to recover fully from these injuries, and may require future surgeries.

**FILED**

by Superior Court of California, County of San Mateo

ON

2/20/2020

By

/s/ Rjay Dominia

Deputy Clerk

ARTHUR J. CASEY [SBN 123273]  
CASEY LAW GROUP  
16450 Los Gatos Blvd., Suite 110  
Los Gatos, CA 95032  
Tel: (408) 660-3102  
Fax: (408) 660-3105  
Email: [acasey@caseylawsj.com](mailto:acasey@caseylawsj.com)

Attorneys for Defendant  
COSTCO WHOLESALE CORPORATION

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN MATEO

MORHAF BARAKAT,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION,  
and DOES 1 TO 20,

Defendants.

Case No. 20-CIV-00130

**ANSWER TO COMPLAINT**

Complaint Filed: January 8, 2020

COMES NOW defendant, Costco Wholesale Corporation, and in answer to the Complaint of plaintiff on file herein, admits, denies, and alleges as follows:

**I.**

Answering all causes of action pled by the above-named plaintiff, this answering defendant, pursuant to Code of Civil Procedure section 431.30, denies, both generally and specifically, every material allegation, including the damage allegations, in every cause of action alleged.

**AFFIRMATIVE DEFENSES**

AS A SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file herein, this answering defendant believes and thereon alleges that plaintiff was careless and negligent in and



1 about the matters complained of and that such carelessness and negligence contributed to the  
2 happening of the incident complained of, and the damages, if any, sustained thereby.

3 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file  
4 herein, this answering defendant is informed and believes and based thereon alleges that plaintiff,  
5 with full appreciation of the particular risks involved, nevertheless knowingly and voluntarily  
6 assumed the risks and hazards of the incident complained of, and the damages, if any, resulting  
7 therefrom.

8 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file  
9 herein, this answering defendant alleges that the Complaint fails to state facts sufficient to  
10 constitute a cause of action against this answering defendant.

11 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file  
12 herein, this answering defendant is informed and believes and based thereon alleges that plaintiff's  
13 causes of action are barred by reason of plaintiff's failure to mitigate damages, if any.

14 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file  
15 herein, this answering defendant asserts that plaintiff's injuries were caused or contributed to by  
16 third parties in a percentage to be determined at trial and that plaintiff's recovery of noneconomic  
17 damages shall be reduced in proportion to such third parties' percentage of fault. Civil Code §  
18 1431.2.

19 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file  
20 herein, this answering defendant alleges that plaintiff's claims for noneconomic damages and other  
21 nonpecuniary damages, including, but not limited to, pain, suffering, inconvenience, physical  
22 impairment, and disfigurement, are barred by the provisions of Civil Code Sections 3333.3 and  
23 3333.4 as adopted by the voters of the State of California as Proposition 213.

24 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file  
25 herein, this answering defendant alleges that said Complaint does not state facts sufficient to  
26 constitute a cause of action in that said Complaint is barred by the Statute of Limitations; to wit,  
27 by the provisions of the Code of Civil Procedure, Section 335, et seq.  
28

1 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file  
2 herein, this answering defendant is informed and believes and thereon alleges that the plaintiff's  
3 employer was negligent and careless and that this carelessness and negligence on the part of the  
4 plaintiff's employer proximately caused or contributed to the damages, if any, sustained by the  
5 plaintiff, and that by reason thereof, this answering defendant is entitled to a reduction in any  
6 verdict which may be rendered against this defendant in the amount of any benefits paid or  
7 payable to the plaintiff on behalf of the plaintiff's employer.

8 AS A FURTHER, SEPARATE AND AFFIRMATIVE DEFENSE to the Complaint on file  
9 herein, this answering defendant alleges that if plaintiff was, in fact, acting within the course and  
10 scope of employment, plaintiff's exclusive remedy is before the Worker's Compensation Appeals  
11 Board, this court having no jurisdiction to determine this matter.

12 WHEREFORE, this answering defendant prays that plaintiff take nothing by reason of the  
13 Complaint on file herein, that this answering defendant be awarded costs of suit herein incurred,  
14 and for such other, further, and different relief as may be deemed appropriate by the Court.

15  
16 Dated: February 20, 2020

CASEY LAW GROUP

17  
18 By: 

19 ARTHUR J. CASEY

20 Attorneys for Defendant COSTCO  
21 WHOLESALE CORPORATION  
22  
23  
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**PROOF OF SERVICE**

***Barakat v. Costco Wholesale Corporation***  
**San Mateo County Superior Court Case No.: 20-CIV-00130**

I, Maggie Le, declare:

I am over the age of eighteen (18) years and not a party to the within entitled action. I am employed Casey Law Group. My business address is 16450 Los Gatos Blvd., Suite 110, Los Gatos, California 95032. I am readily familiar with Casey Law Group's practice for collection and processing of documents for delivery by way of the service indicated below.

On February 20, 2020, I served the following document:

**ANSWER TO COMPLAINT**

on the interested party(ies) in this action as follows:

Conor Granahan  
Granahan Law, PC  
345 Franklin Street  
San Francisco, CA 94102  
Email: conor@conargranahanlaw.com

Attorney for Plaintiff Morhaf Barakat  
Tel: (415) 830-3325  
Fax: (415) 504-1954

**By Mail.** By placing said document in an envelope or package for collection and mailing, addressed to the person at the address listed above, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing of mail. Under that practice, on the same day that mail is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 20, 2020, at Los Gatos, California.

Maggie Le

1 ARTHUR J. CASEY [SBN 123273]  
DONALD P. GAGLIARDI [SBN 138979]  
2 CASEY LAW GROUP  
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5 [dgagliardi@caseylawsj.com](mailto:dgagliardi@caseylawsj.com)

6 Attorneys for Defendant  
COSTCO WHOLESALE CORPORATION  
7  
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN MATEO  
11

12 MORHAF BARAKAT,

13 Plaintiff,

14 vs.

15 COSTCO WHOLESALE CORPORATION,  
16 and DOES 1 TO 20,

17 Defendants.  
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Case No. 20-CIV-00130

**NOTICE TO PLAINTIFF OF REMOVAL  
OF ACTION TO FEDERAL COURT**

Complaint Filed: January 8, 2020

CASEY LAW GROUP  
ATTORNEYS AT LAW